THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 5338 of 1996

16-11-2005

Between:

B. Narasimha Reddy S/o B. Ram Reddy
R/o Mirazapally (V), Shankarampet (M0,
Medak Dist.

..... PETITIONER

AND

The Mandal Revenue Officer,
Shankarampet (M), Shankarampet, Medak Dist.

.....RESPONDENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 5341 of 1996

16-11-2005

Between:

Smt. Bharathi W/o. Surendranath
R/o. Mirzapally (V), Shankarampet (R) Mandal,
Medak Dist,

..... PETITIONER

AND

Mandal Revenue Officer
Shankarampet (R) Mandal, Medak Dist.

.....RESPONDENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 5343 of 1996

16-11-2005

Between:

B.Jitender Reddy, S/o. B.Ram Reddy.
R/o. Mirzapally (V), Shankarampet,
Medak.

..... PETITIONER

AND

The Mandal Revenue Officer,
Shankarampet, Medak.

.....RESPONDENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NOs : 5338, 5341, 5343 of 1996

COMMON ORDER:

No representation for the petitioners.

Heard the learned Assistant Government Pleader appearing for the respondents.

Questioning the proceedings of the respondent-Mandal Revenue Officer, cancelling the assignment of land made to them, petitioners filed these petition on the ground that the same is arbitrary, illegal and unjust.

According to the petitioners, an enquiry was made earlier in 1987 with regard to cancellation of his patta by the District Revenue Officer and he dropped the further proceedings and so initiation of proceedings again on the ground that they did not bring the land under cultivation is nothing but an abuse of power vested in the respondent.

The contention of the learned Assistant Government Pleader is that since the petitioners without availing the remedy of appeal available to them against the order impugned have rushed to this Court they are entitled to any relief. It I further contended that the earlier enquiry conducted in 1987 is for a different purpose but not on the ground that the land was not brought under cultivation.

The fact that an enquiry was conducted by the District revenue officer for cancellation of pattas issued in favour of the petitioners is not denied or disputed. During the course of enquiry in 1987 by the District revenue officer, question whether the petitioners brought the land under cultivation or not could have been gone into. Admittedly, the assignment is in the year 1969 i.e. about 27 years prior to the order impugned. For all 27 years, the revenue officials closed their eyes and had not even verified even during the enquiry that was conducted in 1987 whether the land was brought under cultivation within three years from the date of assignment as per the conditions of grant. So they cannot, after several years from 1987 cancel pattas on the ground that petitioners did not bring the land under cultivation by holding piece-meal enquiry

regarding eligibility of the petitioners for holding the land assigned.

In view thereof the orders impugned are liable to be set aside and are accordingly, set aside, though petitioners failed to avail the remedy of appeal, because this is a prima-facie case of abuse of power.

Hence, rule nisi is made absolute and the writ petitions are allowed. No costs.

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16-11-2005

Mjl/*